GENERAL AND REVENUE SECRETARIAT.

File No. 42206

Serial Nos.

Papers Filed

ENERAL AND REVENUE SECRET/

(Gl. Fin)

NOTES.

File. No. 422-06.

FILE HEADING.

ration to incorporate in the Ms. S. R. the ruling of the ruling the temporary Service of lower Subordinates in the P. W. D. towards pension.

From

the Chf: Supt: in Burma

No. 3473/ Dated 13.5.07 Received 15.5.07

Diary No. 4983	Enclos. 5	Spare Copies.	Serial No. 1.

BRIEF ABSTRACT OF LETTER.

ates that as suggested by the Comptr: the ruling conta G.o: No: 688-99/3709-20 of the 19.7.95 may being incorporated in Burma Service Regulations

NOTES AND ORDERS.

V.

4. Not quite 4. The law for ment for mer- service ed. The ers in

In the proceedings referred to above, the Lower Subordinates of the P. W. Deptt: that have rendered meritorious Service are permitted to count their temporary Ser towards pension on being transferred t

General and Revenue Secretariat.

G.7 File No. 422 of 1906

Serial No.

~~to~~ the permanent since. She practice is still in vogue - but the ruling does not find a place in the Mysore Service Regulations - the Controller Suggested ~~to~~ the P.W. Secretary (Chf. Engr.) that it may well find a place in the Mysore Service Regns. the Chf: Engr: makes this present reference to Govt: that the Contr's Suggestion may be adopted.

It is contended that the word "officers" as occuring in the Mysore Service Regulations includes both permanent & temporary officers of Govt: and that orders not contained in the said Regulations should not be treated as having the force of law. (Pt I (6) of the Mysore Service Regulations). If so, its inclusion, as suggested by the Contr: & almost concurred in by the Chf: Engr:, seems to be necessary. If so, the order of 1895 in question will not be confined in the H: Deptt: & the Contr: requested to incorporate it in the Regns

Submitted for orders.

K.S. 21/5/07.

Please see note

GPB—50,000—17-3-07

General and Revenue Secretariat.

Pol.-Fin File No. 422 of 1906-7

Serial No. 2

To the Chf. Engr., No. H. 8905 of the 1st June 1907.
Calls for the entire file of papers connected with the said Govt. proceedings

From the Chf. Engr., No. 4267 of the 12.6.07.
Forwards them with a request that the same may be returned to him herewith with
Submitted for order
K.S.
25.6.07.

The existing practice sanctioned in G.O. of 13.7.95 has to be regularised now by the ruling being included in M.S.R. under the ordinary rule temporary service does not count for pension unless it comes under art. 254 M.S.R. of the P.W. Dept. The cases in which the concession of counting temporary service for pension is allowed do not apparently fall under under 254 as the concession is not conditional on the original temporary appointment being made permanent. It is known

5

Secretariat. | G.O. File No. 422 of 1906

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General rule

Count under the F. R. rules unless the appointment itself is made permanent but in special cases, e.g. in the case of Dr Cobbe (Art 375 C.S.R.) where even by the rules of recruitment an officer has to put in a certain period of non-qualifying service before being admitted into the permanent qualifying ~~qualifying~~ service certain concessions have been made by the Govt of India -

The case of Engineers in Mysore is somewhat peculiar in that instead of when recruited as Apprentice Engineers they are first appointed to the temporary establishment I agree that some concession therein is justifiable on the analogy of similarly circumstanced officers in B. Dn

But I think it is indispensable that some limit should be placed upon the total period of temporary service which shall thus count, in order that an officer may not become, ~~by~~ nominal confirmation towards the end of his service ~~were~~ be allowed pension for the whole of his previous temporary service -

I think a limit of 2 years

Serial No.

be consulted in regard to the two year limit suggested in the Comptroller's Note -

2 As to Officers now in service - It is not possible that any limit can be applied to men now in service without cause for complaint of breach of faith, inasmuch as the Concessions dems in 1894 & in 1895 to have been intended to apply "to those who have been & may be in future transferred to the permanent establishment for Mentonnis Service."

3 As to future entertainments - It is also quite possible that the exigencies of the M.D. Service would require that in future cases a longer period than 2 years will have to be required. [In Mennis's cases noticed in the file there have been several exceeding two years - For example 2 Cases 1 C & 1 C going to 3 yrs 1 Months, & 1 Case that of a Lower Subordinate extending to 10 years 10 months 27 days.

While there is no guarantee that this will not occur in the future

(8)

. S. 12]
eral and Revenue
Secretariat.

G.F File No. 422 of 1906

Serial No.

future. There is no doubt that an assurance that temporary dewns will count for pensions if Municipalities ought to merit the mans handsel & the permanent establishments will have a restful & encouraging effect on the men who may otherwise be always on the lookout for berths elsewhere & may be ever thinking of the means of getting away at the first opportunity Sttd 2 Sept 07

Dewan's 2 approved chargeg work results officially 2/9

Dewan's adv

This may be done,

Serial No.

on "temporary service" (without a break) the more useful he is, and the greater the experience he has gained. The present practice is most useful also; in that the men are encouraged to do their best while on the temporary list in order to be selected eventually for permanent employment, as they know that such selections are only made on approved service, and that men with longer service are often passed over by me on this account.

W. D'A Hendeln

Chief Engineer of Mysore.

Bangalore

27-11-1907

To

The Secy to the Govt of Mysore,
Pub & Rev depts.

Submitted to Genl Secy. pl
K.S. 30.11.7
29.11.07.
29/11

Resubmitted to Dewan & Council through C.S.
4/12/07

The Chief Engineer's views may be accepted. 17 Dec 07

Serial No.

limit as a compromise. It would be best to adhere strictly to the rule. Once an exception is made in the case of the N.W.D. the same will have to be extended to all the depts of State, because the same argument holds good in all cases. We should adopt the rule in British India.

In the case of the existing temporary establishment, the old rule may be respected but it appears to me to be scarcely defensible.

W. Hillcoat Jeff
2 D Secretary

16/2/10.

This is a typical instance of our rules being over liberal in regard to pensions. W.H.

GPB - 50,00017—3-07

GENERAL AND REVENUE SECRETAR

Question of inserting a provision in the Mysore Service Regulations, so as to provide for the temporary service of the Lower Subordinates of the P.W. Department, being counted toward

CIRCULATED TO COUNCILLORS.

By Order,

C. Balasundaram
Offg. *Secretary.*

. Ananda Row, Esq., B.A.,
First Councillor.

. P. Puttanna Chetty, Esq,
Second Councillor.

Facing sheet for Cases included in the schedule appended to Notification No. 36 of the 8th. Aug. 1902.

GENERAL AND REVENUE SECRETARIAT

Subject— Question of inserting a provision in the Mysore Service Regulations, so as to provide for temporary service of the Lower Subordinates of P.W. Department, being counted towards pension.

	Date	Initial of Officer himself or responsible Deputy.
ceived in the Secretariat	12.6.	
bmitted to Secretary	1.7.0	
bmitted by Secretary to Dewan ~~or Councillor in charge~~	6.7.0	
turned to Secretary	25.8.0	
culated by Secretary for Council ...	31.8.0	
rwarded by 1st Councillor	12.12.0	
rwarded by 2nd Councillor	14.12.0	
ceived in Secretariat	14.12.0	
nsidered in Council		
mitted to the Dewan	14.12.0	
mitted to His Highness	16.7.08	
ers passed by His Highness	27.7.08	
al Orders issued		
ulated to Councillors		
sed on by the Councillor		
rned to Secretary by Councillor...		

G. R. S. 12]
General and Revenue Secretariat.

G. 7 File No. 422 of

Serial No.	
	Subm to Dewan 883 270 14/12 14.12.07 Dewan's order Brot up before a meeting of Council on 5.1.08 Include in agenda D. 7/12
4	From — The Offg Comptroller, P. W. & Ry Branch No. 7722 dated 12-6-1908 In the matter of inclusion of the ruling of counting service for pension of

Extract from the Proceedings of the 204 th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 10th July 1908.

II. Subject. - (Clause viii of Schedule).

Whether the temporary service of Lower Subordinates in the Public Works Department should be allowed to be counted towards pension when they a transferred to the permanent establishment.

O P I N I O N.

For reasons mentioned by the late Comptroller in his note of 6th July 1907 it is necessary to impose a maximum limit to the period of temporary service that should be allowed to count for pension in the above case. After careful consideration, the Council are of opinion that this ~~m~~ limit may be fixed at two years. A provision to this effect may be inserted in the Mysore Service Regulations.

In the case of men already entertained, who may have rendered a temporary service of over two years, the concession granted in Government Order No.688-99/3709-20 dated 19th July 1895 need not be withdrawn.

Submitted to His Highness.

Under Government Notification (P.W.D.) No. 4103/796 dated 7th August 1894, the temporary service of certain Engineer officers who had subsequently been transferred to the permanent establishment was regarded as permanent service counting for pension, and under Government order No.688-99/3709-20 dated 19th July 1895, the above concession was extended to Lower Subordinates of the P.W.D. As under the Mysore Service Regulations temporary service does not count for pension, the late Examiner, P.W. Accounts, requested that the above exception to the general rule might be incorporated in the Mysore Service Regulations.

The late Financial Secretary Mr. Majumdar, while agreeing that some concession of the kind to the Engineer officers in Mysore was justifiable, was of opinion that some limit should be prescribed as to the total period of temporary service which would count, so that an officer may not secure nominal confirmation towards the end of his service merely to be allowed pension for the whole of his previous temporary service. He was of opinion that a limit of 2 years might be prescribed.

The Chief Engineer considers that "it would, in his opinion, be unjust to impose any such restriction as that suggested by the Comptroller, and to allow only 2 or 3 years of the temporary service" of these Lower Subordinates "to count towards pension".

He considers that "it would be inadvisable either to modify the present rules, or to introduce any new rules calculated to deprive these men of the guarantee now afforded them by the existing rules, under which their temporary service is taken into account when reckoned for pension".

The ordinary rule is that temporary service does not count for pension, and the treatment accorded to these officers of the P.W.D. is exceptional. The matter having been considered in the Council, the Council is of opinion that while it is desirable to continue the concession, it is necessary to fix a maximum limit to the period of temporary service that should count for pension. The Council considers that this limit may be fixed at 2 years. If approved, a provision to this effect will be inserted in the Mysore Service Regulations.

It is not proposed to enforce this rule to the prejudice of men already in service. In the case of men already entertained, who may have rendered a temporary service of over two years, the concession granted in the Proceedings of 19th July 1895 referred to above need not be withdrawn.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Question of counting the temporary service of Lower Subordinates in the P.W.D. towards pension when they are transferred to the permanent establishment.

I would leave things as they are. The case of a man being confirmed after many years of temporary service would scarcely ever arise in practice, if at all, and could be dealt with specially. On the other hand the proposed limitation might cause considerable hardship to deserving subordinates.

KRW
29/7/08

Serial No.

Draft as per order is submitted herein
~~If it is worthy of~~ approved this may be
sent to the Chief Engineer for note and
return - instead.

24/8.

5/8

The Chief Engineer's proposal
was to embody in MSR
the ruling issued in
GO of 15-7-05. The late
Comptr Mr Majumdar
suggested that the limit of
temporary service that
can be allowed to count
for pension shd be fixed
at 2 years and this
suggestion was accepted by
the Council has not been
approved by HH.
Orders on the proposal to
embody the existing rule
issued by the said GO, in
MSR have not been passed
The rule is an important one
as an exception to the
ordinary pension regulations
and shd therefore find a place
in the MSR. ~~of the Shd~~

Final Secy

GPB—50.000—13-5-08

Was the apprehension of the Finance Secy expressed at A in the Dewan's m of 27.7.08 merely theoretical? A statement may be obtained in the fo form regarding the last ten appts Lower subordinates in the P.W.D

Date of Permanent Appt as Lower subordinate P.W.D	Continuous period of Temp appt on the day of confirmation	Total period of Temp service before confirmation	Rem

If the statement shows that such ca as are referred to by the Finl Secy are very rare, the matter may be rega as finally settled and the propose addendum to M.S.R may issue

10/

Draft to Chief Engineer for the above information —

11.8.

Draft submitted

11/8.

Issued

To The Chief Engineer in Mysore No. K 931 &

Regrets him to furnish a statement in form noted above regarding the last ten appointm

Serial No.	
	of the Lower Subordinates in P.W.D.
6	From the Chief Engineer of Mysore No. 5684 of the 26th August 1908 — Furnishes a Statement showing the last two appointments of Lower Subordinates in the P.W. department in the required form —
	The Statement is appended hereto
	Sub. It is clear from the list furnished by the Chief Engineer that Cases of long temporary Service followed by Confirmation in permanent Service are by no means rare. In no Case the Temporary Ser as those Seven ye in one of the Se it is as long a fifteen years. Ca of still longer temporary Service followed by Conf

N 29/8
31/8

Yes - Both Cases may be dealt with together when the refs reqd. are putup

mch
25-1-9

The reference required (P.W. Retrenchment file) having been received today from S-V this is submitted again alongwith the reference linked herewith.

The case relating to the fixing of a Scale for lower Subordinates is putup

(Jim Secy)

mch
27.2.9

that file has been ordered to be filed. Please see Dewan's L.O. No. 1911

"

fixing the numerical scale for lower Subordinates in the P.W.D. please see Govt. No. 173-87/1869-83 dt 3.3.10.

Mysore Public Works Departmen

No. 3473. Sen Fin. 4r Sr. no. 1 Central Office,

Dated Bangalore 13th May 1907.

From,

W. Mc Hutchin Esquire, M.I.C.E.,

Chief Engineer of Mysore,

B A N G A L O R E.

To,

K.S.Chandrasekara Iyer Esquire, B.A.,B.L.,

Secretary to the Government

of H. H. the Maharaja of Mysor

General and Revenue Department

B A N G A L O R E.

Sir,

I have the honor to forward the marginally noted corre

(1) Copy of Government Proceedings (P. W) No. 688-99/3709-20 dated 19-7-1895.	-pondence
(2) P.W. Examiner's No. 2522 dated 22-10-1906	-ing with
(3) Chief Engineer's No. 7449 dated 8-11-1906.	Comptrolle
(4) P.W. Examiner's No.3059 dated 10-11-1906	
(5) Comptroller's No. 5843/Pen 506 dated 20-4-1906.	tter no. 5843/506 o

the 20th ultimo (to be obligingly returned) on the subject o the insertion in the Mysore Service Regulations, of the orde promulgated in Government Proceedings (P.W) No. 688-99/3709- dated the 19th July 1895 and to request that you will be so good as to obtain the sanction of Government to the above or being embodied in the Mysore Service Regulations for reason

Diary No. of letter replied to _____

General and Revenue Secretariat
( )
, the 190

Date of issue 16 June/07

Signed by W M Krishna

No 288905

To The Chief Engineer
Mysore

Sir With reference
to letter No 3473 of 14th
May 1907 regarding
the insertion in the
of the ~~Indian~~ order
issued in G.P. (PW)
No 688-99/3709-20
the 19th July 1895.
directed to request you
be so good as send
for ref the entire
of papers connected
with the said G.P.W.
Thanking
Yours

MYSORE P. W. DEPARTMENT,

CENTRAL OFFICE,

BANGALORE, 20/12 th June 1907.

EF ENGINEER OF MYSORE,

BANGALORE.

Serjeur 4th
& no 3.

Majumdar Esquire M. A.,
Secretary to Government in the
Financial Department, Bangalo

SIR,

In compliance with your lett
No. FE 8905/86-Fin. 422-06-2 of the 1st inst
I have the honor to forward herew
the accompanying file of papers
connected with the Government Pro
-ceedings (P. W.) no. 688-99 / 3709-20 dated the 4
July 95 stating that the temporar
services rendered by the Lower
Subordinates be counted for pensio
on their transfer to the permanen
establishment and to request that
you will be so good as to return th
same when no longer required

From

THE CHIEF ENGINEER OF MYSORE,

Bangalore.

To

The Secretary to Govt. of Mysore
in the Financial Department
Bangalore

Dated Bangalore, 12th June 07

Despatched

Enclosure No.

SUBJECT.

To

The Secretary to the

Government of Mysore,

Financial Deptt.

Dated 12 June 1908.

Despatched 13

Received

General No. 7722

No. E

Enclosure No. 1

In the matter of inclusion of the ruling of counting service for pension of Temporary Service of Tower Subordinates.

MYSORE PUBLIC WORKS DEPARTMENT,

CENTRAL OFFICE OF ACCOUNTS,

Bangalore, 12 June 1908

From

M. N. Krishna Rao

Off. THE COMPTROLLER,

Public Works and Railway Branch.

Q 7422-06-4

To

K. S. Chandrasekhara Iyer Esq, B.A, B.

Secretary to the Govt of Mysore,

Financial Department.

SIR,

I have the honor to report that temporary Sub Overseer H. Seshachar attached to Palace Division was deputed to work under the Jaghirdar of Sivasamudrum for completing the Endowment works at Sivasamudrum, as per sanction conveyed in Huzra Government Order No.3474-7 dated 30th January 1908 and ~~Finance~~ Government Order No.4130-4 dated 19th March 1908. The period deputation being expected to last for 9 months, it was repor to the Chief Engineer in this office No.7471/E dated 28th ult that the question of the payment of contribution becomes nec sary under Article 411 Mysore Service Regulations only in the event of the Temporary Sub Overseer being regarded as permane and counting temporary service for pension; and as there is n authority of Government to treat these class of subordinates such, except G.O., P.W. No.688-99/3709-20 dated 19-7-95 which h not been reproduced in the Mysore Service Regulations and the fore cannot be quoted as an authority, no contribution is lev The question of introduction of a ruling confirming the P. W. Proceedings above quoted was referred to Secretary P.W. Departm

2. The Chief Engineer in his No.3819 dated 8th instant states that so long as Government Proceedings P.W.No.688-99/3709-20 dated 19th July 1895 authorising the ruling have not been ~~feverably~~ formally cancelled, they should be considered to be still in force and contribution should therefore be recovered from Sub Overseer Seshachar for the period he is on deputation as the Overseer when confirmed will count his temporary service for pension under the Government order quoted above. For reasons set forth in this office No.3059, dated 10th November 1906 - copy enclosed - the ruling in question cannot be recognised, so long as it is not embodied in the Mysore Service Regulations. Besides the ruling is an important one deviating from the ordinary rule contained in Article 254 Mysore Service Regulations and throwing liability against Government on account of pension, even though the temporary Lower subordinate may not be counting service during the periods of the temporary service against any permanent vacancy. I therefore request that early orders of Government on the above question referred to by the Financial Department in May 1907 may be kindly obtained.

3. Closely connected with the above is the practice of regulating these Lower subordinates against a lump sum money limit instead of a fixed numerical ~~number~~ scale which was objected to by this office and is also before Government awaiting final decision.

I have the honor to be,
Sir,
Your most obedient servant,

Comptroller,

12/6/0

Enclosure to Sl. G. 7422-06 (6

Copy of letter No.3059/E dated 10th November 1906 from the Examiner, P. W. & Ry. Accounts to the Chief Engineer of Mysore

Referring to docket No.7449 dated the 8th instant informing that the orders relating to the temporary employees of the P. W. D. had been distinctly saved by the 1st sentence of Article 1 (b) Mysore Service Regulations, that the provisions of the Mysore Service Regulations affected only officers in substantive service of Government and that therefore no reference was necessary for the inclusion of any clause granting exceptional treatment, has the honor to observe that the word "Officers" in line 6 of Article 1(b) includes both substantive and temporary officers of Government and that the last sentence which qualifies all the foregoing distinctly says that orders not contained in the Mysore Service Regulations should not be treated as having any force till subsequently confirmed. A confirmation of any order not hitherto embodied in the Mysore Service Regulations will necessarily entail its inclusion among its several provisions.

2. It is observed in the docket under reply that the provisions of the Mysore Service Regulations are applicable only to officers holding substantive appointment on the strength of the words in Article 1 (a). Ordinarily, temporary Employes are not necessarily allowed even the same privileges as those of substantive officers and much less can they be in a better position than those of substantive officers and the very fact that the conditions and nature of temporary service are also discussed and laid down in Articles 136, 159, 244(b), 252, 368 and 561 goes to prove that temporary employes are not intende

to be beyond the pale of the Mysore Service Regulations.

3. It is therefore respectfully requested that the question may once for all be set at rest by the existing orders being legalised by their inclusion in the Mysore Service Regulations pending which the transit pay now objected to will be passed provisionally.

Sd/ T.Lakshminarasimha Rau,

For Examiner; ,

P. W. & Ry. Accounts.

Copy

T L Lakshminarasimha Rau
13-6-8

Asstt Comptroller

(18)

S2 File No. 422

Serial No 5

Diary No. of letter replied to ניי

No. JC 931

General and Rev. Secretariat

(Gen Dm)

190 .

To

19-8-08

The Chief Engineer
in Mysore

Date of issue 19 August 1908.

Signed by Miller Krishnaji

Sir

I am directed to forward herewith the file of papers noted in the margin and to request that you will be good enough to furnish, at an early date, information in the form noted hereunder, regarding the last ten appointments

The P W D.

Serial No. Name.

(20

No. 5684
Enc: 1

Mysore Public Works Department,
Central Office
Dated Bangalore, 26th August 1908.

From,

The Chief Engineer of Mysore,
B A N G A L O R E.

To,

The Financial Secretary
to the Government of His Highness
the Maharaja of Mysore,
B A N G A L O R E.

Sir,

In compliance with your letter No. Fl.931/Gl.Fin.422-06 dated the 19th instant, I have the honor to forward the enclosed statement showing the last ten appointments of Lower Subordinates in the P. W. Department in the form prescribed therein.

I have the honor to be,
Sir,
Your most obedient servant,

For Chief Engineer of Mysore.

Enclosure to SL 6 G. 2422-06

Statement showing the names of the Lower subordinates in the Public Works Department who were confirmed on the dates given against each.

No.	Name	Date of permanent appointment as Lower Subordinate P.W.D.	Continuous period of temporary appt. on the date of confirmation	Total period of temporary service before confirmation	Remarks.
			Years - Months.	Years - Months.	
1	V. S. Murugesa Mudali	12-7-05	9 - 4	9 - 4	
2	A. Vythianatha Iyer	26-7-06	15 - 7	15 - 7	
3	V. N. Runiakoti Mudali	do	9 - 0	9 - 0	
4	K. Anantharama Iyengar	do	8 - 0	8 - 0	
5	T. Mathuramuthu Pillai	do	7 - 6	7 - 6	
6	G. Srinivasa Rao	do	7 - 4	7 - 4	
7	K. G. Narasimha Iyengar	do	7 - 0	7 - 0	
8	G. Bheema Rao	do	7 - 0	7 - 0	
9	M. Lakshminarasimiah	do	6 - 0	6 - 0	
10	C. B. A. Narasimha Iyengar	31-1-09	10 - 0	10 - 0	

Proceedings of the Government of His Highness the Maharaja of M
Public Works, dated 3rd March 1910.

READ—

Correspondence ending with No. 2323—E. of the 3rd October 1907, from the Comp
Works Branch, pointing out the desirability of fixing, as required under para 37, Public W
ment Code, Volume I (revised edition), a numerical scale for the permanent establis
lower Subordinates including Taluk Mastris, Monegars, etc., the same being supp
extra temporary establishment from time to time according to the scale of operations
the Public Works Department.

No. 173-87—1869-83, DATED BANGALORE, 3RD MARCH 1910.

ORDER THEREON.—The Government of His Highness the Maharaja
are pleased to fix the numerical scale, pay and triennial increments, as
the permanent Lower Subordinate establi
ncluding Taluk Mastris and Monegars :—

110 Sub-Overseers—		
1st class	...	
2nd class	...	
3rd class	...	
69 Taluk Mastris	...	

Permanent Channel Conservancy establishment.

(*a*) 12 Sub-Overseers—		
2nd class	...	Rs. 35— $\frac{5}{3}$—45
3rd class	...	Rs. 25— $\frac{5}{3}$—35
(*b*) 35 Monegars	...	Rs. 12— $\frac{3}{3}$—30

2. Separate orders will issue in due course as regards additional
hands required from time to time under each class.

M. VISVESVAR
Secy. to Govt., P. 1

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

PUBLIC WORKS

PROCEEDINGS

Dated 3rd March 1910

No. 173-87 / 1869-83

Fixing the numerical scale, pay, etc., for the permanent Lower Subordinate Establishment of the Public Works Department, including Taluk Maistris and